

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ANTHONY MICHAEL GREEN,

Plaintiff,

vs.

STATE OF OHIO,

Defendant.

CASE NO. CV-02-473953

JUDGE

ENTRY DECLARING
ANTHONY MICHAEL GREEN
A "WRONGFULLY IMPRISONED
PERSON" UNDER ORC § 2743.48

This matter is before the Court pursuant to a motion of Plaintiff that he be declared a "wrongfully imprisoned person" pursuant to ORC §2743.48. Before the Court is an Agreed Amended Complaint dated October 7, 2002, and an Answer admitting the allegations of the Complaint dated October 7, 2002. The parties have agreed to the terms of this entry.

This Court has exclusive jurisdiction to make such a determination under ORC § 2305.02. For good cause shown, this Court finds that the Plaintiff satisfies the following:

1. Anthony Green, aka Anthony Michael Green, aka Michael Green, was charged with Rape and Aggravated Robbery, both sections of the Revised Code by an indictment or information prior to, or on or after, September 24, 1986, and the violations charged were aggravated felonies, Case No. CR-228250.
2. Plaintiff was found guilty of, but did not plead guilty to the charges of Rape and Aggravated Robbery by a jury involved, and the offenses of which he was found guilty were aggravated felonies.

3. Plaintiff was sentenced to two indefinite terms of imprisonment, ten (10) to Twenty-five (25) years each, to run consecutively, in a state correctional institution for the offense of which he was found guilty.
4. Plaintiff's conviction was vacated by the Common Pleas Court of Cuyahoga County on October 18, 2001 in Case No. CR-228250.
5. Subsequent to Plaintiff's sentencing and during his imprisonment, it was determined by that Court that the offenses of which he was found guilty were not committed by him.
6. A declaration of the rights of the parties pursuant to ORC § 2743.48 will terminate this controversy between the parties.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Plaintiff is a "wrongfully imprisoned individual for the rape and aggravated burglary charges including all lesser included offenses for which he was sentenced on October 24, 1988. The Plaintiff, Anthony Michael Green, aka Michael Green, aka Anthony Green, is hereby informed that he is entitled to commence a civil action for damages against the State of Ohio in the Court of Claims as set forth in ORC § 2743.48.

Brent W. Huffer
Cuyahoga County Common Pleas Court

Agreed:

Alphonse A. Gerhardtstein
Alphonse A. Gerhardtstein
Attorney for Plaintiff (KAM)

Kathleen A. Martin
Kathleen A. Martin
Attorney for Defendant

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GERALD E. FUERST, CLERK
BY B. M. M. M. DEP.

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